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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
1028-042-1

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name _____

Application Number

10/037,842

Filed

Jan. 2, 2002

First Named Inventor

Dan KIKINIS

Art Unit

2144

Examiner

Peling Andy SHAW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/06)☒

attorney or agent of record.

Registration number 31293

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Jon L. Roberts, Ph.D., J.D.

Typed or printed name

(703) 391-2900

Telephone number

February 10, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.☒

*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Dan KIKINIS
Serial No.: 10/037,842
Filed: Jan. 2, 2002
Group Art Unit: 2144
Examiner: Peling Andy SHAW
Attorney Docket No.: 1028-042-1

Confirmation No.: 6723

**PRE-APPEAL BRIEF REQUEST FOR REVIEW OF
OFFICE ACTION MAILED SEPTEMBER 10, 2008 AND
ADVISORY ACTION MAILED NOVEMBER 7, 2008**

MAIL STOP AF
Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REMARKS/ARGUMENTS

A. STATUS OF CLAIMS

Claims 103-135 remain in the Application. Claims 1-102 were previously canceled. The claims of record are listed in an Amendment After Final Office Action filed on October 24, 2008 and entered by the examiner. No claims have been allowed. Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,324,648 issued to Grantges. Claims 105, 116 and 127 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Grantges in view of U.S. Patent Application Publication 2002/0118671 filed by Staples et al. (hereinafter, "Staples"). Claims 108, 113, 119, 124, 130 and 135 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Grantges in view of U.S. Patent 6,711,611 issued to Hanhan (hereinafter, "Hanhan").

On November 10, 2008, Applicant submitted a Supplemental Amendment After Final Rejection pursuant to 37 C.F.R. §1.116 to correct informalities in the claims so as to place the claims in condition for appeal. The Supplement Amendment does not appear to have been entered and no Advisory Action has been issued. No explanation for the lack of response to the Supplemental Amendment has been provided. The claims on appeal are, therefore, the claims entered by the Examiner on October 24, 2008.

B. ERRORS FOR REVIEW

1. The arguments presented below refer to the office action response filed by Applicant on June 20, 2008 as "Response, at p. __." The office action of September 10, 2008 from which this appeal is taken is referred to as the "Office Action." The advisory action of November 7, 2008 from which this appeal is taken is referred to as the "Advisory Action."

2. Error For Review: Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 Are Not Anticipated By Grantges.

As discussed with the examiner, the Grantges reference does not teach the limitations of the independent claims (as amended) of the present application. For ease of discussion, **FIG. 1** of Grantges is presented below:

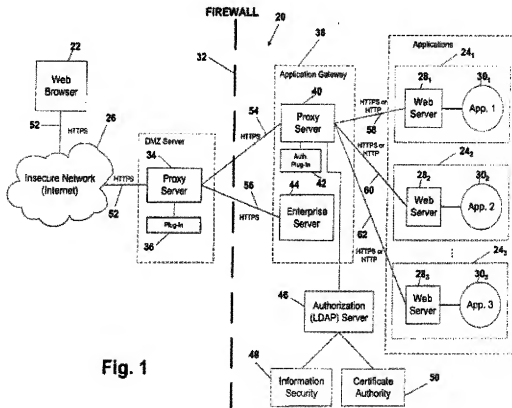


Fig. 1

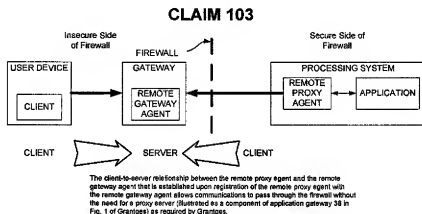
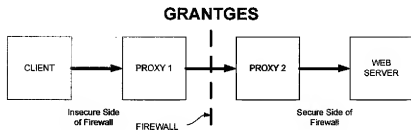
In Grantges, the application 24 comprises a destination or web server 28 and a program 30. Browser 22 interacts with program 30 via web server 28. The gateway proxy server provides a map of a path from the web server (28) through a firewall 32 to the browser 22. (See, Grantges, FIG. 1; Col. 5, line 65 to Col. 6, line 2.) The browser 22 is permitted to communicate

with web server 28 by an exchange of certificates that is regulated by an authorization plug-in 42.

It is important to note that if the firewall 22 and the permission structures were eliminated, browser 22 could communicate directly with web server 28. In contrast, the limitations of the independent claims at issue here require that the workstation/remote proxy agent initiate communications with the remote gateway before a request is submitted by a user device/client. This step is necessitated because, from the perspective of the remote gateway, both the user device/client and the remote gateway agent are "clients" of the remote gateway and cannot communicate directly. Thus, the remote gateway agent acts as a server to both the client operating on the user device (located on the insecure side of the firewall) and the remote proxy agent operating on the processing system (located on the secure side of the firewall). Grantges does not teach or reasonably suggest these limitations and, in fact, teaches against it.

By utilizing the firewall in this way, the claimed inventions of the present application eliminate the complex firewall/authorization server structures while providing security to the data held on a workstation 116. Additionally, the remote proxy agent allows communications to pass through the firewall without the need for a proxy server (illustrated as a component of application gateway 38 in FIG. 1 of Grantges) as required by Grantges or for other components of application gateway 38.

The general flow taught by Grantges and the flow taught by the present application are illustrated below:



Applicant notes that Grantges describes an authentication process between a “web server” and an authorization server (see, claims 5 and 6 and description at Col. 7, lines 9-12). However, the web server referenced in these disclosures is web server 44 (labeled “Enterprise Server in FIG. 1 of Grantges) and not web server 28. Grantges does not disclose a registration message from a remote proxy agent (117 in FIG. 1 of the present application) residing on a processing system (116 in FIG. 1 of the present application).

In response to the Office Action, Appellant filed an Amendment After Final Rejection. In an Advisory Action mailed on November 7, 2008, the examiner responded to Appellants arguments as follows:

c. Applicant has argued that Grantges does not teach or suggest the limitation of “receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent”. Examiner has reviewed item b of the Response of Arguments in office action mailed on 09/10/2008. Examiner has further reviewed previous claim 92 rejection as per office action mailed on 12/26/2007. A quoted reference of Grantges, i.e. column 6, lines 37-67, is used to covered the limitation of “connecting a proxy server to a second network, wherein the first and second network may each access the other”. Examiner has noted “the application gateway connected with proxy server”. Grantges has stated “Gateway 38 includes gateway proxy server 40 and gateway web server 44. Gateway proxy server

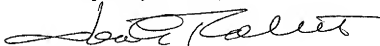
40 is configured to establish second secure connection 54 across firewall system 32 with DMZ proxy server 34". Thus Grantges has taught or suggested the argued limitation as quoted above. (Advisory Action, p. 3.)

The quoted language appears to be proffering an argument based on a limitation that is not present in the claims as examined. Claim 103 recites the limitation, "receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent." The argument presented in the Office Action ignores the importance of the client registration request made from the secure side of the claimed firewall. That is, the request creates a client-server relationship between the remote proxy agent and the remote gateway agent. Claim 103 also recites a communication between a client residing on a user device and the remote gateway agent. The remote gateway agent thus permits communications between two clients. This architecture permits secure communications between a user device and an application server without the need for the application gateway and supporting systems described in Grantges.

C. CONCLUSION

Applicant respectfully requests entry of the Supplemental Amendment and reconsideration of the current rejections. In view of the responses and remarks made above, Applicant further requests that that Supplement Amendment After Final Office Action filed on November 10, 2008 be entered by the examiner and that a timely Notice of Allowance issued for claims 103-135 as currently listed therein. The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, and conversely credit any overpayment to Deposit Account No. 18-1579.

Respectfully Submitted,



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